

29 April 1975

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to Otho*WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE

[The following text is submitted by the Chairman of the Group of 77 to the Chairman of Committee II on behalf of the Group of 77, for his information. Discussions are continuing on several aspects contained in the text and consequently the document cannot be considered as representing the final position of the Group or of any state member of the Group of 77.]

Article 1

Coastal states have the right to establish beyond and adjacent to their territorial sea an Exclusive Economic Zone which shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*

Article 2

Coastal states exercise in and throughout the Exclusive Economic Zone:

- a) sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable, of the water column, the sea-bed and subsoil.
- b) sovereign rights with regard to other activities for the economic exploration and exploitation of the Exclusive Economic Zone, such as the production of energy from the water, currents and winds, but without prejudice to the provisions of paragraph 7 below.
- c) I) Jurisdiction with respect to regulation, control and preservation of the marine environment including pollution control and abatement.
II) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices, including customs, fiscal, health, public order and immigration regulations pertaining thereto.
- d) other rights and duties compatible with the provisions of this convention.

* This article is without prejudice to article ... pertaining to the Continental Shelf.

State Dept. review completed

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Coastal states have the power to make and enforce regulations relating to the above rights and jurisdiction.

Article 3

- a) The rights to resources recognized or established by the present Convention of a territory whose people have not yet attained either full independence or some other self-governing status recognized by the United Nations or a territory under foreign occupation or colonial domination or a United Nations Trust Territory or a territory administered by the United Nations shall be vested in the inhabitants of that territory, to be exercised by them for their own benefit and in accordance with their own needs and requirements.

The above Provision shall apply in every way to the Palestinian Liberation Movement and the liberation movements recognized by the Organization of African Unity.

- b) In no case may the rights referred to in paragraph 1 be exercised, profited or benefited from, directly or indirectly, or in any way infringed by a metropolitan or foreign power administering or occupying such territory or purporting to administer or occupy such territory.

Where a dispute exists with regard to a territory under foreign occupation or colonial domination such rights will not be exercised until and when the dispute with the colonial dominating power has been definitely settled in accordance with the pertinent resolutions of the General Assembly of the United Nations which contemplate safeguarding of territorial integrity, the promotion of decolonisation and the recovery of territory.

- c) References in this article to a territory include continental and insular territories.

Article 4

In exercising their rights and their jurisdiction under this Convention and in making and enforcing regulations pertaining thereto coastal states

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shall have due regard to the rights of other states in the Exclusive Economic Zone as specified in this Convention.

Article 5

- i) a. Land-locked states and developing geographically disadvantaged states have the right to exploit the living resources of the Exclusive Economic Zones of neighbouring coastal states in accordance with this article and shall bear the corresponding obligations. Developed land-locked and developed geographically disadvantaged states shall however only be entitled to exercise their rights within the Exclusive Economic Zones of neighbouring developed coastal states.
- b. In accordance with the provisions of paragraph ii) b. below, nationals of neighbouring land-locked states shall enjoy equal rights as nationals of coastal states, or a right that will ensure a fair and equitable share of the living resources of the Exclusive Economic Zones, and bear similar but non-discriminatory obligations as nationals of the coastal state.
- c. In accordance with the provisions of paragraph ii) b. below, nationals of neighbouring developing geographically disadvantaged states shall enjoy a right that will ensure a fair and equitable share of the living resources of the Exclusive Economic Zone and bear similar but non-discriminatory obligations as nationals of coastal states.
- ii) a. The above-mentioned rights of nationals of land-locked or geographically disadvantaged states cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, ^{or by any other arrangements} or by any other arrangements. The foregoing shall not however preclude land-locked states and developing geographically disadvantaged states from obtaining technical and financial assistance from third states or competent international organizations.
- b. Bilateral, subregional or regional arrangements shall be worked out for the purpose of ensuring the enjoyment of the rights and carrying out the obligations in paragraph i) of this article

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including where appropriate, specifying the areas in the Exclusive Economic Zone where such rights would be exercised.*

Article 6

(a) For the purpose of these articles "developing geographically disadvantaged States" means developing coastal states which :

- i) for geographical reasons cannot claim an exclusive economic zone, or
- ii) for biological or ecological reasons, exclusively natural in character, derive no substantial economic advantage from exploiting the living resources of their Exclusive Economic Zones and whose rights of access to living resources are adversely affected by the establishment of Exclusive Economic Zones by other States.

(b) For the purpose of Article 5, a land-locked or geographically disadvantaged state is "neighbouring" a coastal state if :

- i) it shares a common border with the coastal state, or
- ii) it is adjacent to the coastal state, or
- iii) both it and the coastal state lie within or border a closed or semi-enclosed sea, or
- iv) it is situated within reasonable proximity of the coastal state, taking into account all the relevant geographical circumstances pertaining to the region.

Article 7

I) All states, whether coastal or not shall enjoy in the Exclusive Economic Zone the right of freedom of navigation and overflight the right to lay submarine cables and pipelines and other legitimate uses of the sea related to navigation and communication, subject to the provisions of this convention.

II) In exercising their rights and performing their duties within the Exclusive Economic Zone under this convention, states shall have due regard to the rights and duties of the coastal state and in particular to its security interests in the Exclusive Economic Zone.

*Nothing in this article shall precludes states in a region or subregion from entering into arrangements for regional or subregional exclusive economic zones for exploiting the resources therein.

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Article 8

8. In cases where the convention does not attribute within the Exclusive Economic Zone, rights or jurisdiction to the coastal state or to other states and a disagreement arises in connection with the interests of the coastal state and any other state or states, such disagreement should be resolved taking into account equity, the nature of the Exclusive Economic Zone which is not part of the High Seas, and in the light of all relevant circumstances, including the respective importance to the parties of the interests involved as well as to the international community as a whole.